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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE CHIDANANDA ULLAL

CIVIL REVISION PETITION NO.2416/97

Between:

M/s.Ashok Traders,
by its proprietor,
Sri Z Pukraj,
Near Lakshmi Talkies,
Andersonpet, K.G.F.
represented by P A Holder, ... Petitioner

(By Sri G Papireddy, Adv.)

And:

1. Corporation Bank,
Andersonpet Branch,
K.G.F. by its Manager and
P A Holder Sri B Surendra
Shenoy.

2. Smt.Madan Bai, major,
w/o.Sri Z Pukraj,
Daniel Road,
Andersonpet,
K.G.F.

.. Respondents

This revision petition is filed under Section 115 of the CPC against the order dated 24.7.1997 passed in OS No.3/91 on the file of the Civil Judge (Sr.Dn.) K.G.F., rejecting I.As.14 and 15 filed under Order 18 Rule 17 of CPC.

This revision petition coming on for admission this day, the Court passed the following:

- ORDER -


Heard the learned counsel for the
petitioner.



2. This revision petition is directed against the common order dated 24.7.1997 passed on I.As.14 and 15 by the Court of the Civil Judge (Sr.Dn.) K.G.F. The first I.A. was to reopen the case and the second I.A. was to recall the defendant No.1 examined as DW.1 before the Court below.

3. The learned Judge in passing the impugned order observed that the proper provision of law was not invoked by the petitioner in filing the application. The said observation probably is limited to the second application, for the said application came to be filed under Order 18 Rule 17 of CPC. The said provision of law is referable to recall of the witness by the Court. Order 18 Rule 17A of CPC is a situation contemplated under which the witness himself can recall to examine himself.

4. On going through the impugned order, it appears to me that in view of the conduct of the petitioner before the court below in getting the matter adjourned from time to time, the court did not find bonafide in filing the said application. It is for that reason, ^{also} both the applications ^{came to} ~~can~~ be rejected.



5. In totality of the circumstances, I am of the view that the said applications are not liable to be allowed by the Court below. Therefore, I do not find any error on the part of the learned Judge in passing the impugned order.

The revision petition stands rejected.

Sd/-
JUDGE

bkm.